

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov

**MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS****FINGERPRINTING**

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, Title 1, Section 44, the California Board for Professional Engineers, Land Surveyors, and Geologists is providing notice of changes made to the above entitled proposed regulation. The proposed modified text is shown with additions in double underlined text and deletions in underlined strikethrough text.

**Engineering and Land Surveying
Section 420.1 – Applicant Fingerprint Submittal****420.1. Applicant Fingerprint Submittal.**

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 6751, 6762.5, 6796.3, 8747.5, or 8803 of the Business and Professions Code.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.

(d) The applicant shall certify when applying for a license whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(e) Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.

~~(f) This requirement is waived if an applicant has already submitted fingerprints to the Department of Justice as part of a previous application as required by this section or Section 3021.1 of Division 29 of Title 16 of the California Code of Regulations.~~

~~(g)~~ (f) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

~~(h)~~ (g) This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 6750, 6758, 6759, 6760, 6763, 6796.3, 8740, 8746,

8748, and 8803 of the Business and Professions Code and Section 424.5 of Division 5 of Title 16 of the California Code of Regulations.

(i) (h) As used in this section, “license” includes certification as an engineer-in-training or a land surveyor-in-training, certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles “structural engineer,” “geotechnical engineer,” “soil engineer,” “soils engineer,” or “consulting engineer.”

(j) This section shall be operative for any and all applicants who submit applications for the October 2013 examination administration cycle. For applicants who are not required to take and pass a regularly scheduled examination pursuant to Sections 6759, 6760, 6796.3, and 8803 of the Business and Professions Code, this section shall be operative for any and all applicants who submit applications on or after July 1, 2013.

(i) As used in this section, the term “applicant” shall have the meaning given to it by Section 144(c) of the Business and Professions Code, which states, “the term ‘applicant’ shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.”

Note: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 144, 475, 480, 6750, 6751, 6758, 6759, 6760, 6762.5, 6763, 6796.3, 8740, 8746, 8747.5, 8748, and 8803, Business and Professions Code; and Section 11105, Penal Code.

Geologists and Geophysicists

Section 3021.1 – Applicant Fingerprint Submittal

3021.1. Applicant Fingerprint Submittal and Review.

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 7841, 7841.1, or 7884 of the Business and Professions Code.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.

(d) The applicant shall certify when applying for a license whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(e) Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.

~~(f) This requirement is waived if an applicant has already submitted fingerprints to the Department of Justice as part of a previous application as required by this section or Section 420.1 of Division 5 of Title 16 of the California Code of Regulations.~~

~~(g) (f)~~ Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

~~(h) (g)~~ This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7845 7846, 7847, 7848, 7848.1, and 7884 of the Business and Professions Code.

~~(i) (h)~~ As used in this section, “license” includes certification as a geologist-in-training, registration or license as a professional geologist or a professional geophysicist, and registered certifications as a specialty geologist or a specialty geophysicist.

~~(j) This section shall be operative for any and all applicants who submit applications for the October 2013 examination administration cycle. For applicants who are not required to take and pass a regularly scheduled examination pursuant to Sections 7847, 7848, and 7848.1 and of the Business and Professions Code, this section shall be operative for any and all applicants who submit applications on or after July 1, 2013.~~

~~(i) As used in this section, the term “applicant” shall have the meaning given to it by Section 144(c) of the Business and Professions Code, which states, “the term ‘applicant’ shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.”~~

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 144, 475, 480, 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7845 7846, 7847, 7848, 7848.1, and 7884, Business and Professions Code; and Section 11105, Penal Code.